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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,417

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Fujio Watanabe

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09/30/2008

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2033 GATEWAY PLACE

SUITE 400

SAN JOSE, CA 95110

EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,417

Applicant(s)

WATANABE ET AL.

Examiner

NIRAV PATEL

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 2/4/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on May 21, 2008 has been entered. Claims 1-63 are pending. Claims 1, 10, 28, 34, 41, 49, 55, 56, 63 are amended by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-52, 55-56, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Y. Choi and S. Pack, "Fast Inter-AP Handoff Using Predictive Authentication Scheme in a Public Wireless Network." (hereafter "Choi") in view of Faccin et al (US Patent No. 6,876,747) and in view of Kallio (US Pub. No. 2004/0014422).

C1. A method for handoff in a wireless communication network, comprising: generating a handoff encryption key [Page 1, Introduction, Lines 11-14.]; handing off a wireless terminal from a first access point to a second access point [Page 1, Introduction, Lines 11-14.]; and communicating data packets, between the second access point and the wireless terminal and authenticating the wireless terminal [Page 1, Introduction, Lines 11-14, page 6, 3.2 lines 8-15, page 7, Fig. 5, 6]. Choi teaches the re-authentication after handoff as shown in Fig. 6. Choi doesn't expressively mention communicating data

packets encrypted with the handoff encryption key, between the second access point and the wireless terminal for immediate secured data transmission (i.e. secure data transmission during the handoff without perceivable interruption).

Faccin teaches communicating data packets encrypted with the handoff encryption key, between the second access point and the wireless terminal for immediate secured data transmission (secure data transmission during the handoff without perceivable interruption i.e. before the authentication of the wireless terminal) [col. 2 lines 1-16, Fig. 1, 5].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Faccin with Choi, since one would have been motivated to provide security mobility between two cellular systems [Faccin, col. 1 lines 9-10].

Kallio teaches initiating authentication of the wireless terminal with an authentication server and communicating encrypted data packets between the second access point and the wireless terminal before the authentication of the wireless terminal is completed [Fig. 13, paragraph 0148-0152, 0155-0158, Fig. 14].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kallio with Choi and Faccin, since one would have been motivated to provide efficient transition/handover from a first access point to a second access point [Kallio, paragraph 0013, 0014].

C2. The method according to claim 1, wherein the handoff encryption key is a handoff WEP (Wired Equivalent Privacy) key [Page 1, Introduction, Lines 11-14.].

C3. The method according to claim 1, wherein the handoff encryption key is generated by an authentication server [Page 1, Introduction, Lines 11-14.].

C4. The method according to claim 3, wherein the authentication server is an AAAH (Authentication, Authorization, and Accounting Home) server [Page 1, Introduction, Lines 15-20. Figure 5, "Home AAA Server."].

C5. The method according to claim 3, wherein the authentication server is an AAAF (Authentication, Authorization, and Accounting Foreign) server [Page 1, Introduction, Lines 15-20. Figure 5, "Gateway."].

C6. The method according to claim 3, wherein the handoff encryption key is generated according to IEEE 802.11 [Page 2, Introduction, Line 6.].

C7. The method according to claim 3, further comprising transmitting the handoff encryption key to the first and second access points [Page 2, Introduction, Lines 17-19.].

C8. The method according to claim 7, further comprising, at the first access point transmitting the handoff encryption key to the wireless terminal [Page 7, §3.2, Lines 4-6.].

C9. The method according to claim 8, further comprising, at the second access point decrypting data from the wireless terminal with the handoff encryption key [Figure 6.].

C10. The method according to claim 3, further comprising communicating handoff authentication messages between the wireless terminal and the second access points [Page 7, §3.2, Lines 7-11.].

C11. The method according to claim 10, further comprising encrypting the handoff authentication messages with the handoff encryption key [Page 7, §3.2, last sentence.].

Choi discloses generation of the handoff was only shown within the Authentication, Authorization and Accounting (AAA) server(s). Despite, moving the key generation functionality from the AAA server(s), home or foreign, to the access points (AP) by either a transmission of the algorithm itself and its associated parameters or simply the parameters (assuming the algorithm is already present within the AP) is obvious to anyone of ordinary skill in the art at the time the invention was made because both logical units (AAA server(s) and the APs) are logically equivalent with regards to key generation. Whether the AAA server generates the handoff key to be

transmitted to the APs or the AAA server gives the algorithm to the APs in order to generate the keys does not change the patentable weight of the invention. Further, the board has found that the limitation of the "metallic wrapping," which is really a lining of the tube, presents no novel or unexpected result over the metallic connections used in the references. Use of such a means of electrical connection in lieu of those used in the references solves no stated problem and would be an obvious matter of design choice within the skill of the art. The same situation arises in digital implementations when a system contains a plurality of logical units capable of the same functionality. Deciding whether one logical unit of a network system performs a specified functionality or another is an obvious matter of design choice. In other words, change of form or design without change of function is no more than choice of design that, in absence of new or unobvious result, falls within ken of one having ordinary skill in art and will not sustain patentability. In *re* *Launder*, 42 CCPA 886, 222 F.2d 371, 105 USPQ 446 (1955); *Flour City Architectural Metals v. Alpana Aluminum Products, Inc.*, 454 F. 2d 98, 172 USPQ 341 (8th Cir. 1972); *National Connector Corp. v. Malco Manufacturing Co.*, 392 F.2d 766, 157 USPQ 401 (8th Cir.) cert. denied, 393 U.S. 923, 159 USPQ 799 (1968).

The claims are addressed individually in light of the reference teaching the same functionality of the instant application, and moving said functionality between the AAA server(s) and access points having been deemed obvious:

C12. The method according to claim 1, wherein the handoff encryption key is generated by the first and second access points as a function of common handoff

encryption key generation information from an authentication server [Transposing functionality from one logical unit to another to forgo network communication is well known in the art and deemed obvious, and key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C13. The method according to claim 1, further comprising, at the second access point, determining whether a packet received is encrypted by the handoff encryption key [Page 7, §3.2, last sentence. Also Figure 6.].

C14. The method according to claim 13, further comprising, at the second access point, decrypting a packet encrypted by the handoff encryption key [Rejected per claim 13.].

C15. The method according to claim 1, wherein the first access point and the second access point receive a common handoff authentication key generation process from an authentication server [Page 6, §3.2, Lines 12-14.].

C16. The method according to claim 15, further comprising: providing a secret parameter to a handoff encryption key generator associated with the first access point; providing an open parameter to the handoff encryption key generator associated with the first access point; and generating the handoff encryption key as a function of the secret parameter and the open parameter [Key generation by parameters (MAC, IP

address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C17. The method according to claim 16, wherein the secret parameter comprises information about the authentication server [Key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C18. The method according to claim 17, wherein the secret parameter comprises ID information of the authentication server and at least one common parameter of the authentication server [Key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C19. The method according to claim 16, wherein the open parameter comprises information about the first access point [Key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C20. The method according to claim 16, wherein the open parameter comprises information about the wireless terminal [Key generation by parameters (MAC, IP

address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C21. The method according to claim 16, wherein the open parameter comprises the address of the first access point and the address of the wireless terminal [Key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C22. The method according to claim 16, further comprising transmitting the handoff encryption key from the first access point to the wireless terminal [Page 7, §3.2, Lines 4-6.].

C23. The method according to claim 16, further comprising, at the wireless terminal, transmitting to the second access point data encrypted by the handoff encryption key [Figure 6.].

C24. The method according to claim 16, further comprising, at the second access point, obtaining the address of the first access point [Page 2, Introduction, Lines 11-14.].

C25. The method according to claim 16, further comprising, at the second access point, obtaining the address of the wireless terminal [Key generation by parameters (MAC, IP

address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "§3.3-4, pages 343-344, Protocol" for verification. Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C26. The method according to claim 16, further comprising, at the second access point, deriving the handoff encryption key according to the key generation process [Key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C27. The method according to claim 16, further comprising, at the second access point, decrypting data from the wireless terminal with the handoff encryption key [Figure 6.].

C28. A wireless communication network comprising: an authentication server operable to generate and transmit a handoff encryption key; a first access point, receiving the handoff encryption key; and a second access point, receiving the handoff encryption key from the authentication server and [Page 1, Introduction, Lines 11-14 and Page 7, §3.2, Lines 4-15.].

Choi teaches the re-authentication after handoff as shown in Fig. 6. Faccin teaches communicating data packets, between the second access point and the wireless terminal is encrypted/decrypted for immediate secured data transmission (secure data

transmission during the handoff without perceivable interruption i.e. before the authentication of the wireless terminal) [col. 2 lines 1-16, Fig. 1, 5].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Faccin with Choi, since one would have been motivated to provide security mobility between two cellular systems [Faccin, col. 1 lines 9-10].

Kallio teaches: at the time of a handoff of a wireless terminal from the first access point to the second access point, handling an authentication of the wireless terminal [Fig. 13, 14], while decrypting encrypted data from the wireless terminal before the authentication of the wireless terminal is completed [Fig. 13, paragraph 0148-0152, 0155-0158, Fig. 14].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kallio with Choi and Faccin, since one would have been motivated to provide efficient transition/handover from a first access point to a second access point [Kallio, paragraph 0013, 0014].

C29. The wireless communication network according to claim 28, wherein the handoff encryption key is a handoff WEP (Wired Equivalent Privacy) key [Rejected per claim 2.].

C30. The wireless communication network according to claim 28, wherein the authentication server is an AAAH (Authentication, Authorization, and Accounting Home) server [Rejected per claim 4.].

C31. The wireless communication network according to claim 28, wherein the authentication server is an AAAF (Authentication, Authorization, and Accounting Foreign) server [Rejected per claim 5.].

C32. The wireless communication network according to claim 28, wherein the handoff encryption key is generated according to IEEE 802.11 [Rejected per claim 6.].

C33. The wireless communication network according to claim 28, wherein the second access point communicates handoff authentication messages with the wireless terminal [Rejected per claim 10.].

C34. It encompasses limitations that are similar to limitations of claims 28 and 12. Thus, it is rejected with the same rationale applied against claims 28 and 12 above.

C35. The wireless communication network according to claim 34, wherein the handoff encryption key is a handoff WEP (Wired Equivalent Privacy) key [Rejected per claim 2.].

C36. The wireless communication network according to claim 34, wherein the authentication server is an AAAH (Authentication, Authorization, and Accounting Home) server [Rejected per claim 4.].

C37. The wireless communication network according to claim 36, wherein the AAAH server communicates with the first and second access points via an AAAF (Authentication, Authorization, and Accounting Foreign) server [Rejected per claim 2.].

C38. The wireless communication network according to claim 37, wherein the AAAF server communicates with the first and second access points via a router [Figure 5.].

C39. The wireless communication network according to claim 34, wherein the authentication server is an AAAF (Authentication, Authorization, and Accounting Foreign) server [Rejected per claim 5.].

C40. The wireless communication network according to claim 34, wherein the second access point communicates handoff authentication messages with the wireless terminal [Rejected per claim 10.].

C41. It encompasses limitations that are similar to limitations of claims 28 and 12. Thus, it is rejected with the same rationale applied against claims 28 and 12 above.

C42. The wireless communication network according to claim 41, wherein the secret parameter comprises information about the authentication server [Rejected per claim 17.].

C43. The wireless communication network according to claim 42, wherein the secret parameter comprises ID information of the authentication server and common parameter of the authentication server [Rejected per claim 18.].

C44. The wireless communication network according to claim 41, wherein the open parameter comprises information about the first access point [Rejected per claim 19.].

C45. The wireless communication network according to claim 41, wherein the open parameter comprises information about the wireless terminal [Rejected per claim 20.].

C46. The wireless communication network according to claim 41, wherein the open parameter for the first access point comprises the address of the first access point and the address of the wireless terminal [Rejected per claim 21.].

C47. The wireless communication network according to claim 41, wherein the second access point obtains the address of the first access point [Rejected per claim 24.].

C48. The wireless communication network according to claim 41, wherein the second access point obtains the address of the wireless terminal [Rejected per claim 25.].

C49. It encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

C50. The wireless communication network according to claim 49, wherein the first authentication server is an AAAF (Authentication, Authorization, and Accounting Foreign) server [Rejected per claim 5.].

C51. The wireless communication network according to claim 49, wherein the first authentication server is an AAAH (Authentication, Authorization, and Accounting Home) server [Rejected per claim 4.].

C52. The wireless communication network according to claim 51, wherein the first authentication server communicates with the first and second access points via an AAAF (Authentication, Authorization, and Accounting Foreign) server [Figure 5.].

C55. A wireless access point comprising a memory which stores: instructions to receive a handoff encryption key from an authentication server; instructions to transmit the handoff encryption key to a first wireless terminal; instructions to receive data encrypted with the handoff encryption key from a second wireless terminal; instructions to decrypt the data with the handoff encryption key before authentication of the second wireless terminal is completed; and instructions to transmit the decrypted data [Rejected per claim 1-27].

C56. A wireless access point comprising a memory which stores: instructions to receive a handoff encryption key generation information from an authentication server; instructions to receive data from a wireless terminal; instructions to generate a handoff encryption key based on the handoff encryption key generation information and the data; instructions to decrypt the data with the handoff encryption key before authentication of the wireless terminal is completed; and instructions to transmit the decrypted data [Rejected per claim 28-40.].

C63. A wireless terminal in a wireless communication network, comprising a memory which stores: instructions to receive a handoff encryption key from a first access point; instructions to encrypt output data with the handoff encryption key; and instructions to authenticate with an authentication server at the time of handing off between the first access point and a second access point, and to send the encrypted data to the second access point before the authentication of the wireless terminal is completed [Rejected per claim 1-27.].

3. Claims 53-54, 57-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Y. Choi and S. Pack, "Fast Inter-AP Handoff Using Predictive Authentication Scheme in a Public Wireless Network." (hereafter "Choi") in view of Faccin et al (US Patent No. 6,876,747).

C53. A wireless access point comprising a memory which stores: instructions to receive a handoff encryption key generation secret parameter from an authentication server; instructions to receive a first packet from a wireless terminal, wherein the first packet includes an address of the wireless terminal; instructions to generate a handoff encryption key as a function of the handoff encryption key generation secret parameter and the address of the wireless terminal; and instructions to transmit the handoff encryption key to a wireless terminal [Page 1, Introduction, Lines 11-14 and Page 7, §3.2, Lines 4-15., Transposing functionality from one logical unit to another to forgo network communication is well known in the art and deemed obvious, and key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C54. The wireless access point according to claim 53, where the memory further stores: instructions to receive a second packet from the wireless terminal; instructions to decrypt data in the second packet with the handoff encryption key; and instructions to transmit the decrypted data [Fig. 6, Page 7, §3.2, Lines 7-11].

C57. A handoff encryption key generator in a wireless communication network, comprising: an input to receive a handoff encryption key generation secret parameter; an input to receive an open parameter; and a generator for generating a handoff encryption key as a function of the handoff encryption key generation secret parameter

and the open parameter [Page 1, Introduction, Lines 11-14, 6-11, 17-19 *and* Page 7, §3.2, Lines 4-15, Fig. 5, 6].

C58. The handoff encryption key generator according to claim 57, wherein the secret parameter comprises information about an authentication server [Transposing functionality from one logical unit to another to forgo network communication is well known in the art and deemed obvious, and key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification.].

C59. The handoff encryption key generator according to claim 57, wherein the secret parameter comprises ID information of the authentication server and at least one common parameter of the authentication server [Page 1, Introduction, Lines 11-14, 6-11, 17-19 *and* Page 7, §3.2, Lines 4-15, Fig. 5, 6].

C60. The handoff encryption key generator according to claim 57, wherein the open parameter comprises information about an access point [Page 1, Introduction, Lines 11-14, 6-11, 17-19 *and* Page 7, §3.2, Lines 4-15, Fig. 5, 6].

C61. The handoff encryption key generator according to claim 57, wherein the open parameter comprises information about a wireless terminal [Page 1, Introduction, Lines 11-14, 6-11, 17-19 *and* Page 7, §3.2, Lines 4-15, Fig. 5, 6].

C62. The handoff encryption key generator according to claim 57, wherein the open parameter comprises the address of an access point and the address of a wireless terminal [Page 1, Introduction, Lines 11-14, 6-11, 17-19 and Page 7, §3.2, Lines 4-15, Fig. 5, 6].

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-63 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 10/290,650. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are drawn to composing handoff encryption keys for two access points of an IEEE 802.11 standard network for fast handoff. Both sets of claims (instant application's claims 1-27 and copending application's claims 1-25) match in order they are presented using the most recent set of amended claims within the copending application (dated 10/27/2005). This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Amendment

6. Applicant has amended claims 1, 28, 34, 41, 49, 55, 56, 63 which necessitated new ground of rejection. See new ground of rejection based on newly cited reference Kallio (US 20040014422) and previously cited prior art.

Regarding to applicant's argument to 53-54, 57-62, Examiner maintains, since Transposing functionality from one logical unit to another to forgo network communication is well known in the art and deemed obvious, and key generation by parameters (MAC, IP address, etcetera) is outlined within the taught use of IAPP (Page 2, Lines 11-15). Please see "IAPP Enhancement Protocol," §3.3-4, pages 343-344, for verification. Therefore, it is believed that the rejections should be sustained.

Examiner acknowledges the applicant's remark regarding the double patent rejection. Due to failure in submitting the terminal disclaimer for the provisional double patenting rejection, Examiner still maintains the Double patenting rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-

Art Unit: 2135

273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

NBP

9/25/08

/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2135